

MICHAEL JAY BERGER (State Bar # 100291)
LAW OFFICES OF MICHAEL JAY BERGER
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Proposed Counsel for Debtor and Debtor-in-Possession,
Leslie Klein

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:	)	CASE NO.: 2:23-bk-10990-SK
Leslie Klein	)	Chapter 11
Debtor and Debtor-in-Possession.	)	SUPPLEMENTAL
	)	DECLARATIONS OF MICHAEL
	)	JAY BERGER AND LESLIE KLEIN
	)	IN SUPPORT OF DEBTOR'S
	)	APPLICATION TO EMPLOY
	)	MICHAEL JAY BERGER AS ITS
	)	GENERAL BANKRUPTCY
	)	COUNSEL
)	
	)	<u>Hearing Scheduled For</u>
	)	Date: April 12, 2023
	)	Time: 9:00 a.m.
	)	Courtroom: 1575
	)	Location: 255 E. Temple Street, Suite 1582
	)	Los Angeles, CA 90012

On March 2, 2023, the Debtor filed an Application for Order Authorizing Debtor
to Employ General Bankruptcy Counsel ("Employment Application") [docket no. 24].

1 The Debtor's Statement of Financial Affairs and other case-initiating documents
2 reflected that, prior to the petition date, MJB received a \$20,000.00 retainer, plus the
3 \$1,738 filing fee. Those documents, as well as the Employment Application, disclosed
4 that the source of the retainer and the court filing fee was Doctor's Marketing Group,
5 LLC ("Doctor's"). The Debtor made a declaration as part of the Employment
6 Application, declaring that Doctor's is not seeking repayment from the Debtor, and that
7 Doctor's is not a creditor of the Debtor [Docket no. 24].

8 On March 16, 2023, Peter C. Anderson, the United States Trustee for Region 16
9 (the "US Trustee") filed his Opposition to Employment Application of Law Offices of
10 Michael Jay Berger As Debtor's Counsel and Request for Hearing ("UST Opposition")
11 [Docket No. 48]. The Court set the Employment Application and UST Opposition for
12 hearing on April 12, 2023 [Docket No. 52].

13 The UST Opposition is based on the grounds that the disclosures in the
14 Employment Application regarding Doctor's, as the source of the retainer, are inadequate
15 under Fed. R. Bankr. P. 2014(a). The UST Opposition requests:
16

- 17 1. Additional information to describe why Doctor's would make such a gift to the
18 Debtor;
- 19 2. An explanation of Doctor's connections to the Debtor, for example, whether
20 Doctor's and its members are business partners, family members, or clients of
21 the Debtor;
- 22 3. Whether Doctor's has made similar gifts or payments to the Debtor in the past;
- 23 4. Whether Applicant, the Law Offices of Michael Jay Berger, has any
24 connection to Doctor's;
- 25 5. Whether there is an obligation by Doctor's to provide additional monies for
26 legal fees, or whether Applicant may submit bills directly to Doctor's.
27
28

Debtor, Applicant Law Offices of Michael Jay Berger ("Applicant"), and Doctor's offer the following answers to the UST Objection's requests for more thorough disclosure regarding the source of the retainer for Debtor's bankruptcy legal fees:


1. (and 2.) Doctor's is a former client of the Debtor, and Debtor remains good friends with Doctor's principal, Eli Zobdeh. Debtor has referred clients to Doctor's.
3. Doctor's has never made gift payments to Debtor in the past.
4. Applicant has no connection with Doctor's.
5. Doctor's has no obligation to provide additional monies for Debtor's legal fees, and Applicant will not submit bills directly to Doctor's. As reflected in the retainer agreement, the Debtor (prepetition) and the estate (postpetition) are responsible for paying MJB's fees

Additionally, The fact that the funds were from Doctor's will not interfere with Applicant's independent professional judgment or with the lawyer-client relationship between Applicant and the Debtor. Applicant will comply with its duty to protect confidential information as required by California Business and Professions Code § 6068(e)(1) and Rule 1.6 of the California Rules of Professional Conduct.

The Debtor requests that the Court grant the employment application and enter an order substantially in the form of the proposed order attached as "Exhibit-1" hereto.

DATED: April 5, 2023

LAW OFFICES OF MICHAEL JAY BERGER

By: 
Michael Jay Berger
Proposed Counsel for Debtor-in-Possession
Leslie Klein

SUPPLEMENTAL DECLARATION OF MICHAEL JAY BERGER

I, Michael Jay Berger, declare and state as follows:

1. I am the principal of the Law Offices of Michael Jay Berger ("MJB"), proposed general bankruptcy counsel for Debtor, Leslie Klein ("Debtor"). I have personal knowledge of the facts set forth below and if called to testify as to those facts, I could and would competently do so.

2. On February 13, 2023, I entered into an Attorney-Client Agreement with the Debtor ("Agreement"). A copy of the Agreement was attached to Debtor's Application for Authority to Employ me as its counsel in this matter [docket no. 24] ("Employment Application").

3. The Debtor is an individual. Based on my discussions with Debtor and my review of documents, I am informed and believe that Doctor's Marketing Group, LLC ("Doctor's") paid the \$20,000.00 retainer and \$1,738.00 filing fee as a gift contribution to the Debtor. I am informed and believe that Doctor's is a former client of Debtor, and that Doctor's principal, Eli Zobdeh, is a good friend of the Debtor.

4. The Agreement is only between myself and the Debtor. Doctor's paid me the \$20,000.00 retainer and the filing fee, and the Debtor's estate is responsible for paying any of my fees and costs in excess of the retainer upon this Court's approval. Doctor's was not and is not responsible for paying my fees and costs. I will not submit bills directly to Doctor's.

5. Based on the conflict check that I ran when I was being retained, and to the best of my knowledge and belief, I have no connection with Doctor's.


6. The fact that the funds came from Doctor's will not interfere with my independent professional judgment or with the lawyer-client relationship between myself and the Debtor.

1 7. I will comply with my duty to maintain client confidences and protect
2 confidential information pursuant to California Business and Professions Code §
3 6068(e)(1) and Rule 1.6 of the California Rules of Professional Conduct.

4 8. I am not aware of any actual or potential conflict of interest, lack of
5 disinterestedness, or other basis that would disqualify me from representing Debtor in its
6 bankruptcy.

7 9. A copy of the proposed Order Granting Application to Employ Law Offices
8 of Michael Jay Berger as General Bankruptcy Counsel to Debtor and Debtor-In-
9 Possession is attached hereto as "Exhibit-1."

10
11 I declare under penalty of perjury that the foregoing is true and correct and that
12 this declaration is executed on April 5, 2023 at Beverly Hills, California.
13

14 
15 _____
16 Michael Jay Berger
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SUPPLEMENTAL DECLARATION OF LESLIE KLEIN

I, Leslie Klein, declare as follows:

1. I am the Debtor and Debtor-in-Possession (the "Debtor"). I am over the age of 18. I have personal knowledge of the facts stated herein, and if I were to be called as a witness, I could and would competently testify about what I have written in this declaration.

2. I make this Supplemental Declaration in support of Debtor's Application to Employ Michael Jay Berger as Debtor's general bankruptcy counsel (the "Employment Application").

3. On February 15, 2023, Doctor's Marketing Group, LLC ("Doctor's") paid the Law Offices of Michael Jay Berger ("Applicant") the \$20,000.00 retainer plus the \$1,738.00 filing fee. The payment was a gift contribution to me. Doctor's is not seeking repayment of the gift contribution. I am not a creditor of Doctor's, and Doctor's is not a creditor of mine.

4. Doctor's is a former client of mine. Doctor's principal, Eli Zobdeh, is a good friend of mine. I have referred clients to Doctor's in the past.

5. Doctor's has never given me a gift payment before.

6. Doctor's has no obligation to provide additional monies for my legal fees and costs.

7. I understand that I (pre-petition) and my estate (post-petition) is responsible for the fees and costs due in my bankruptcy.

8. I am informed and believe that Applicant has no connection with Doctor's.

I declare under penalty of perjury that the foregoing is true and correct. Executed this March 31, 2023, at Los Angeles, California.

By: _____
Leslie Klein

SUPPLEMENTAL DECLARATION OF LESLIE KLEIN

I, Leslie Klein, declare as follows:

1. I am the Debtor and Debtor-in-Possession (the "Debtor"). I am over the age of 18. I have personal knowledge of the facts stated herein, and if I were to be called as a witness, I could and would competently testify about what I have written in this declaration.

2. I make this Supplemental Declaration in support of Debtor's Application to Employ Michael Jay Berger as Debtor's general bankruptcy counsel (the "Employment Application").

3. On February 15, 2023, Doctor's Marketing Group, LLC ("Doctor's") paid the Law Offices of Michael Jay Berger ("Applicant") the \$20,000.00 retainer plus the \$1,738.00 filing fee. The payment was a gift contribution to me. Doctor's is not seeking repayment of the gift contribution. I am not a creditor of Doctor's, and Doctor's is not a creditor of mine.

4. Doctor's is a former client of mine. Doctor's principal, Eli Zobdeh, is a good friend of mine. I have referred clients to Doctor's in the past.


5. Doctor's has never given me a gift payment before.

6. Doctor's has no obligation to provide additional monies for my legal fees and costs.

7. I understand that I (pre-petition) and my estate (post-petition) is responsible for the fees and costs due in my bankruptcy.

8. I am informed and believe that Applicant has no connection with Doctor's. I declare under penalty of perjury that the foregoing is true and correct. Executed March 31, 2023, at Los Angeles, California.

By:


Leslie Klein

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Blvd., 6th FL., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **SUPPLEMENTAL DECLARATIONS OF MICHAEL JAY BERGER AND LESLIE KLEIN IN SUPPORT OF DEBTOR'S APPLICATION TO EMPLOY MICHAEL JAY BERGER AS ITS GENERAL BANKRUPTCY COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 4/5/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) 4/5/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 4/5/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra Klein
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1582 / Courtroom 1575
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

4/5/2023
Date

Yathida Nipha
Printed Name

/s/Yathida Nipha
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Goe Forsythe & Hodges: Reem J Bello rbello@goeforlaw.com, kmurphy@goeforlaw.com
Goe Forsythe & Hodges Robert P Goe kmurphy@goeforlaw.com,
rgoe@goeforlaw.com;goeforecf@gmail.com
Interested Party: Alan G Tippie Alan.Tippie@gmlaw.com,
atippie@ecf.courtdrive.com;Karen.Files@gmlaw.com,patricia.dillamar@gmlaw.com,
denise.walker@gmlaw.com
Debtor's Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
Interested Party: Greg P Campbell chl1ecf@aldridgepite.com,
gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com
Counsel for Wilmington Savings Fund: Theron S Covey tcovey@raslg.com, sferry@raslg.com
Interested Party: Dane W Exnowski dane.exnowski@mccalla.com,
bk.ca@mccalla.com,mccallaecf@ecf.courtdrive.com
U.S. Trustee: Michael Jones michael.jones4@usdoj.gov
U.S. Trustee: Ron Maroko ron.maroko@usdoj.gov
Counsel for Ajax Mortgage: Joshua L Scheer jscheer@scheerlawgroup.com, jscheer@ecf.courtdrive.com
Subchapter V Trustee: Mark M Sharf (TR) mark@sharflaw.com,
C188@ecfcbis.com;sharf1000@gmail.com
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
Interested Party: Michael L Wachtell mwachtell@buchalter.com
U.S. Bank: John P. Ward jward@attleseystorm.com, ezhang@attleseystorm.com
Interested Party: Paul P Young paul@cym.law, jaclyn@cym.law

2. SERVED BY UNITED STATES MAIL:

U.S. Trustee
Attn: Ron Maroko, Esq.
915 Wilshire Blvd., Ste. 1850
Los Angeles, CA 90017

Subchapter V Trustee
Mark M. Sharf
6080 Center Drive #600
Los Angeles, CA 90045

SECURED CREDITORS:

CCO Mortgage Corp.
Attn: Bankruptcy
10561 Telegraph Rd
Glen Allen, VA 23059

Chase Mortgage
BK Department
Mail Code LA4 5555
700 Kansas Ln
Monroe, LA 71203

Fay Servicing Llc
Attn: Bankruptcy Dept
Po Box 809441
Chicago, IL 60680

Mrc/united Wholesale M
Attn: Bankruptcy
P. O. Box 619098
Dallas, TX 75261

Selene Finance
Attn: Bankruptcy
Po Box 8619
Philadelphia, PA 19101

Shellpoint Mortgage Servicing
Attn: Bankruptcy
Po Box 10826
Greenville, SC 29603

Toyota Financial Services
Attn: Bankruptcy
Po Box 259001
Plano, TX 75025

Toyota Motor Credit Corp.
PO Box 9013
Addison, TX 75001 (Address from POC)

Ericka and Joseph Vago
c/o Brian Procel
Procel Law
401 Wilshire Blvd., 12th Floor
Santa Monica, CA 90401

Ericka and Joseph Vago
124 N. Highland Ave
Sherman Oaks, CA 91423

Fay Servicing LLC
Attn: Bankruptcy Dept
Po Box 809441
Chicago, IL 60680

Fiore Racobs & Powers
c/o Palm Springs Country Club HOA
6820 Indiana Ave., Ste 140
Riverside, CA 92506

Gestetner Charitable Remainder Trus
c/o Andor Gestetner
1425 55th Street
Brooklyn, NY 11219

Los Angeles County Tax Collector
Bankruptcy Unit
PO Box 54110
Los Angeles, CA 90054-0027 (Address from POC)

Mrc/united Wholesale M
Attn: Bankruptcy
P. O. Box 619098
Dallas, TX 75261

Selene Finance
Attn: Bankruptcy
Po Box 8619
Philadelphia, PA 19101

Shellpoint Mortgage Servicing
Attn: Bankruptcy
Po Box 10826
Greenville, SC 29603

Toyota Financial Services
Attn: Bankruptcy
Po Box 259001
Plano, TX 75025

20 LARGEST UNSECURED CREDITORS AND INTERESTED PARTIES:

Andor Gestetner
c/o Law Offices of Jacob Unger
5404 Whitsett Ave Ste. 182
Valley Village, CA 91607

California Bank & Trust
Po Box 711510
Santee, CA 92072

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634

CCO Mortgage Corp.
Attn: Bankruptcy
10561 Telegraph Rd
Glen Allen, VA 23059

Bank of America
PO Box 673033
Dallas, TX 75267 (Address from POC)

Chase Card Services
Attn: Bankruptcy
P.O. 15298
Wilmington, DE 19850

Barclays Bank Delaware
Attn: Bankruptcy
Po Box 8801
Wilmington, DE 19899

Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850

Chase Doe
143 S. Highland Drive
Los Angeles, CA 90036

Chase Mortgage
BK Department
Mail Code LA4 5555 700 Kansas Ln
Monroe, LA 71203

Citibank
Attn: Bankruptcy
P.O. Box 790034
St Louis, MO 63179

Franklin H. Menlo Irrevocable Trust
c/o Willkie Farr & Gallagher LLP
Attn: Alex M. Weingarten, Esq.
2029 Century Park East, Suite 3400
Los Angeles, CA 90067

Jacob Rummitz
315 N. Martel Avenue
Los Angeles, CA 90036

Jeffrey Siegel, Successor Trustee
of the Hubert Scott Trust
c/o Oldman, Cooley, Sallus
16133 Ventura Blvd., Penthouse Suit
Encino, CA 91436-2408

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Los Angeles, CA 90071

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